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Total Number of Pages in This Submission	15

Application No.	10/741,304
Filing Date	December 18, 2003
First Named Inventor	Naveen Kumar Vandanapu
Art Unit	2819
Examiner Name	Jean Bruner Jeanglaude
Attorney Docket Number	42P17107

ENCLOSURES *(check all that apply)*

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☐ Amendment / Response
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
  - ☐ PTO/SB/08
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Basic Filing Fee
  - ☐ Declaration/POA
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☒ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below):*

  * Check for $500
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Vincent H. Anderson, Reg. No. 54,962 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	March 17, 2006

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature		Date	**March 17, 2006**

Based on PTO/SB/21 (09-04) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 11/30/2005.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	10/741,304
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First Named Inventor	Naveen Kumar Vandanapu
Examiner Name	Jean Bruner Jeanglaude
Art Unit	2819
Attorney Docket No.	42P17107

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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☐ Charge fee(s) indicated below, except for the filing fee
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FEE CALCULATION

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) ($) 500.00

SUBMITTED BY *Complete (if applicable)*

Name *(Print/Type)*	Vincent H. Anderson	Registration No. *(Attorney/Agent)*	54,962	Telephone	(503) 439-8778
Signature				Date	03/17/06

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 12/15/2004.
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Attorney Docket No.: 42390P17107 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS

In re application of:	Examiner: Jean Bruner Jeanglaude
Vandanapu et al.	Art Unit: 2819
Application No: 10/741,304	
Filed: December 18, 2003	
For: BIT ALLOCATION FOR ENCODING TRACK INFORMATION	

Assistant Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF
IN SUPPORT OF APPELLANTS' APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants (hereafter "Appellants") hereby submit this Brief in support of an Appeal from a decision of a Final Office Action mailed August 1, 2005. Appellants respectfully request consideration of this appeal by the Board of Patent Appeals for allowance of the invention as presently recited in the claims.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The real party in interest of the above-referenced U.S. Patent application is Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052, to whom the application has been assigned.

II. RELATED PROCEEDINGS

To the best of Appellants' knowledge, there are no prior or pending appeals, interferences, or judicial proceedings related to the subject matter of this appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 1-2, 4-7, and 9-20 are pending in the above-referenced application, and were finally rejected in the Final Office Action mailed August 1, 2005. These claims are the subject of this appeal.

Claims 3 and 8 are also pending in the above-referenced application, and were objected to as being dependent upon rejected base claims.

IV. STATUS OF AMENDMENTS

In response to the Final Office Action mailed August 1, 2005, rejecting the above-referenced claims, Appellants filed a Notice of Appeal on November 3, 2005, in conjunction with a Pre-Appeal Brief Request for Review. The panel decision in response to the Pre-Appeal Brief Request for Review was mailed on January 19, 2006, indicating the panel's decision to proceed to the Board of Appeals. No amendments have been filed in response to the Final Office Action. A copy of all claims on appeal is attached hereto as Appendix A.

V. SUMMARY OF THE INVENTION

In the encoding of multiple subframes, each having multiple tracks, a first and a second subframe of a frame of data are encoded. One track of each of the subframes is identified, and a track indicator is generated to indicate to a decoder the identified track for both subframes. See Detailed Description, [0020] to [0022] and [0025] to [0026].

VI. GROUNDS OF REJECTION

Claims 1, 4, 6-7, 9-15, and 17-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,728,669 of Benno (hereinafter "Benno").

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Benno.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Benno in view of the reference "G.729 Annex B: A Silence Compression Scheme For Use With G.729 Optimized for V.70 Digital Simultaneous Voice and Data Applications," of Benyassine et al. (hereinafter "Benyassine"), IEEE, September 1997, pages 64 to 73.

VII. ARGUMENT

Claims 1, 9, 13, and 17 are the independent claims pending in the above-referenced patent application, and are the subject of this Request for Review. The Final Office Action mailed August 1, 2005 made final the rejection of these claims under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,728,669 of Benno (*Benno*). Appellants maintain that this rejection is improper on its face at least because the cited reference fails to support a prima face anticipation rejection under MPEP § 2131.

Each of the independent claims recite limitations directed to identifying one of multiple **tracks** for each of two **subframes** and generating a **track indicator** to indicate to a decoder the **identified track for both subframes**. For example, claim 1 recites:

> encoding a first and a second subframe of a frame of data, each subframe having multiple tracks;
> identifying one of the multiple tracks for each subframe; and
> generating a track indicator to indicate to a decoder the identified track for both subframes.

With regard to the cited references, Benno discusses compression of data signals. In general, in Figure 5, Benno shows a lookup table to indicate the position of **pulses** within tracks of a subframe. Appellants note that one of ordinary skill in the art would not understand pulse positions to indicate an identified track, as asserted in the Final Office Action. It would appear from the Response to Arguments on page 2 of the Final Office Action that the pulse positions discussed in Benno are being interpreted as track indicators. Appellants submit that the assertion that pulse positions disclose track indicators is a misinterpretation of the reference. The Final Office Action fails to provide reasoning to support the assertion. Besides what is shown in Figure 5 of the reference, Figure 6 of the reference likewise shows a lookup table to indicate the

position of pulses within tracks of a subframe. The emphasis of these figures is to display how the pulses are distributed. As Appellants have understood Benno, the reference fails to disclose or suggest within the discussion of these figures, or anywhere else, a **track indicator** as recited in the independent claims. The reference merely discusses the use of lookup tables to determine where pulse positions are located within a track. No indication of the track is given in the reference.

In more detail, Benno discloses lookup tables in Figures 5 and 6. The position of the **pulses** within the tracks is indicated in the lookup tables. See col. 2, lines 20 to 55; col. 3, lines 36 to 62. Furthermore, the reference discusses in relation to Figure 10 the use of the lookup tables. See col. 6, line 58 to col. 7, line 18, esp. col. 7, lines 5 to 15. As Appellants have understood the reference, Benno discusses encoding a first pulse position with four bits (see col. 2, lines 23 to 26; col. 2, lines 40 to 41), and then encoding a second pulse position with four more bits, with the position of the second pulse determined relative to the first pulse position (see col. 2, lines 58 to 61; col. 3, lines 44 to 51; col. 7, lines 5 to 12). Thus, separate indicators are used for the different pulse position indicators. No reasonable interpretation could be given to the pulse positions of Benno to suggest track indicators as recited in the claimed invention. As specifically set forth in col. 7, lines 5 to 15, Benno discusses determining the offset of the two pulse positions. As Appellants have understood, once the relative spacing of the pulse positions is determined, rather than be placed in an absolute location within the next track, Benno contemplates placing the pulse in a position relative to the offset. At no point does Benno infer that the position will be indicated in any manner other than with the four bits discussed above – and merely discusses that the determination of which position to use is determined in relation to the pulse of the previous track.

Appellants have set forth a detailed discussion of the reference for purposes of pointing out the defects in the reference, and the error in the Office Action by relying on Benno as a basis for its rejection of the claimed invention. As a first matter in relation to the discussion of the reference, Appellants repeat that the reference is not applicable to the invention as claimed. By pointing out the defects of the reference, Appellants make no implication or suggestion that the lookup table of Benno to indicate pulse positions can in any way be interpreted to disclose an indicator of tracks within a subframe. To the contrary, Appellants assert that to so interpret the reference is error. Benno discusses the positioning of pulses within tracks, and fails to discuss

identification of tracks or the indication of tracks within a subframe. No reasonable interpretation of the cited reference can be made to support the anticipation rejection in the Final Office Action.

Regarding the Benyassine reference, Appellants note that the reference was not cited as curing, nor indeed does it cure, the deficiencies noted above with regards to Benno. Neither Benno nor Bennyassine disclose or suggest generating a track indicator to indicate to a decoder an identified track for multiple subframes, as recited in the claimed invention. Therefore, the references fail to support the rejection set forth in the Final Office Action.

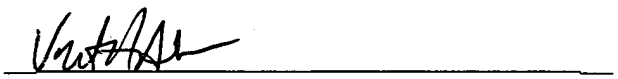
CONCLUSION

Appellants respectfully submit that all appealed claims in this application are patentable and request that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

A single copy of this brief is submitted as per 37 C.F.R. §41.37(a), along with a check for $500.00 to cover the fee for submitting an appeal brief for one other than a small entity as specified in 37 C.F.R. §1.17(c). Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: March 17, 2006



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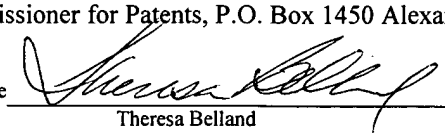
Signature  3/17/2006
Theresa Belland Date

APPENDIX A: CLAIMS ON APPEAL

1. (Previously Presented) A method for encoding data, comprising:

encoding a first and a second subframe of a frame of data, each subframe having multiple tracks;

identifying one of the multiple tracks for each subframe; and

generating a track indicator to indicate to a decoder the identified track for both subframes.

2. (Original) A method according to claim 1, wherein encoding the subframes having multiple tracks comprises encoding subframes, each having a number of tracks, the number being other than a power of two.

3. (Original) A method according to claim 2, wherein encoding the subframes having a non-power-of-two number of tracks comprises encoding subframes having 5 tracks.

4. (Original) A method according to claim 1, wherein a track has pulse positions, wherein encoding subframes having multiple tracks comprises encoding subframes having at least one track with an additional pulse position as compared to another track, and wherein identifying one of the multiple tracks for each subframe comprises identifying the at least one track with the additional pulse position.

5. (Original) A method according to claim 1, wherein encoding the subframes comprises encoding the subframes according to the ITU-T G.729E standard.

6. (Original) A method according to claim 1, wherein encoding the subframes having multiple tracks comprises encoding subframes having multiple tracks in a sequence of track locations, and wherein identifying one of the multiple tracks for each subframe comprises identifying the track location of one of the multiple tracks for each subframe, and wherein generating the track indicator comprises generating a set of bits that corresponds to the track locations for all of the identified tracks for both subframes.

7. (Original) A method according to claim 6, wherein generating the set of bits comprises generating a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.

8. (Original) A method according to claim 1, wherein generating a track indicator comprises jointly encoding track information for tracks in both subframes.

9. (Previously Presented) An article of manufacture comprising a machine-accessible medium having content to provide instructions to cause a device to:

encode a first and a second subframe of a frame of data, each subframe having multiple tracks;

identify one of the multiple tracks for each subframe; and

generate a track indicator to indicate to a decoder the identified track for both subframe.

10. (Original) An article of manufacture according to claim 9, wherein a track has pulse positions, wherein the content to provide instructions to cause the device to encode subframes having multiple tracks comprises the content to provide instructions to cause the device to encode subframes having at least one track with an additional pulse position as compared to another track, and wherein the content to provide instructions to cause the device to identify one of the multiple tracks for each subframe comprises the content to provide instructions to cause the device to identify the at least one track with the additional pulse position.

11. (Original) An article of manufacture according to claim 9, wherein the content to provide instructions to cause the device to encode the subframes having multiple tracks comprises the content to provide instructions to cause the device to encode subframes having multiple tracks in a sequence of track locations, and wherein the content to provide instructions to cause the device to identify one of the multiple tracks for each subframe comprises the content to provide instructions to cause the device to identify the track location of one of the multiple tracks for each subframe, and wherein the content to provide instructions to cause the device to generate the track indicator comprises the content to provide instructions to cause the device to generate a set of bits that corresponds to the track locations for all of the identified tracks for both subframes.

12. (Original) An article of manufacture according to claim 11, wherein the content to provide instructions to cause the device to generate the set of bits comprises the content to provide instructions to cause the device to generate a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.

13. (Previously Presented) An encoding apparatus comprising:

a receiver to receive a data stream;

processing logic to encode the data stream into a frame of data, the frame of data to have a first and a second subframe, each subframe to have multiple tracks, and the processing logic to identify one of the multiple tracks for each subframe of the received frame of data, and generate a track indicator having information to indicate to a decoder the identified track for both subframes; and

a transmitter responsive to the processing logic to transmit the generated track indicator.

14. (Original) An encoding apparatus according to claim 13, wherein the processing logic encodes a frame of data having multiple tracks with pulse positions, and encodes at least one track to have an additional pulse position as compared to another track, and wherein the processing logic identifies the at least one track with the additional pulse position.

15. (Original) An encoding apparatus according to claim 13, wherein the processing logic encodes a frame having subframes having multiple tracks in a sequence of track locations and identifies the track location of one of the multiple tracks for each subframe, and wherein the processing logic generates a set of bits that corresponds the track locations for all of the identified tracks for both subframes.

16. (Original) An encoding apparatus according to claim 15, wherein the processing logic generates a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.

17. (Previously Presented) A coding system comprising:

a speech encoder having:

a receiver to receive a data stream;

processing logic to encode the data stream into a frame of data, the frame of data to have a first and a second subframe, each subframe to have multiple tracks, and the processing logic to identify one of the multiple tracks for each subframe of the received frame of data, and generate a track indicator having information to indicate to a decoder the identified track for both subframes; and

a transmitter responsive to the processing logic to transmit the generated track indicator; and

a transmission line coupled with the transmitter to transport the generated track indicator.

18. (Original) A coding system according to claim 17, wherein the processing logic encodes a frame of data having multiple tracks with pulse positions, and encodes at least one track to have an additional pulse position as compared to another track, and wherein the processing logic identifies the at least one track with the additional pulse position.

19. (Original) A coding system according to claim 17, wherein the processing logic encodes a frame having subframes having multiple tracks in a sequence of track locations and identifies the track location of one of the multiple tracks for each subframe, and wherein the processing logic generates a set of bits that corresponds the track locations for all of the identified tracks for both subframes.

20. (Original) A coding system according to claim 19, wherein the processing logic generates a set of bits that corresponds to an ordered pair, a value of the first member of the pair to indicate the identified track in the first subframe, and the value of the second member of the pair to indicate the identified track in the second subframe.